

By: Riddle

H.B. No. 101

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedures for registering to vote and accepting a
3 voter at a polling place.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 13.002, Election Code, is amended by
6 amending Subsection (c) and adding Subsection (e) to read as
7 follows:

8 (c) A registration application must include:

9 (1) the applicant's first name, middle name, if any,
10 last name, and former name, if any;

11 (2) the month, day, and year of the applicant's birth;

12 (3) a statement that the applicant is a United States
13 citizen;

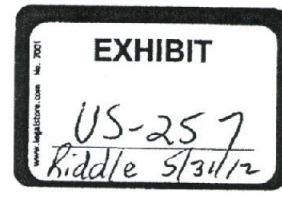
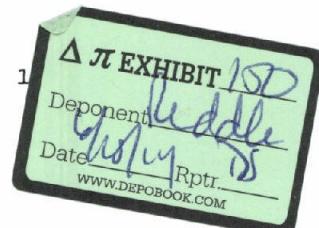
14 (4) a statement that the applicant is a resident of the
15 county;

16 (5) a statement that the applicant has not been
17 determined mentally incompetent by a final judgment of a court;

18 (6) a statement that the applicant has not been
19 finally convicted of a felony or that the applicant is a felon
20 eligible for registration under Section 13.001;

21 (7) the applicant's residence address or, if the
22 residence has no address, the address at which the applicant
23 receives mail and a concise description of the location of the
24 applicant's residence;

80R340 JRJ-D



H.B. No. 101

1 (8) the following information:

2 (A) the applicant's Texas driver's license number
3 or the number of a personal identification card issued by the
4 Department of Public Safety or a statement by the applicant that the
5 applicant has not been issued a driver's license or personal
6 identification card; or

7 (B) if the applicant has not been issued a number
8 described by Paragraph (A), the last four digits of the applicant's
9 social security number or a statement by the applicant that the
10 applicant has not been issued a social security number;

11 (9) if the application is made by an agent, a statement
12 of the agent's relationship to the applicant; [and]

13 (10) the city and county in which the applicant
14 formerly resided; and

15 (11) a copy of a document providing proof that the
16 applicant is a United States citizen.

17 (e) The following documentation is acceptable as proof of
18 citizenship under Subsection (c)(11):

19 (1) a birth certificate or other document confirming
20 birth that is admissible in a court of law;

21 (2) United States citizenship papers issued to the
22 applicant; or

23 (3) an unexpired United States passport issued to the
24 applicant.

25 SECTION 2. Section 13.121(a), Election Code, is amended to
26 read as follows:

27 (a) The officially prescribed application form for

H.B. No. 101

1 registration by mail must be in the form of [a] business reply mail
2 [postcard], unless another form or system is used under Subsection
3 (b), with postage paid by the state. The secretary of state shall
4 design the form to enhance the legibility of its contents.

5 SECTION 3. Section 63.001, Election Code, is amended by
6 amending Subsections (b), (c), (d), and (f) and adding Subsection
7 (g) to read as follows:

8 (b) On offering to vote, a voter must present to an election
9 officer at the polling place the voter's voter registration
10 certificate and either:

11 (1) one form of identification listed in Section
12 63.0101(a); or

13 (2) two different forms of identification listed in
14 Section 63.0101(b) [to an election officer at the polling place].

15 (c) On presentation of the documentation required by
16 Subsection (b) [a registration certificate], an election officer
17 shall determine whether the voter's name on the registration
18 certificate is on the list of registered voters for the precinct.

19 (d) If the voter's name is on the precinct list of
20 registered voters and the voter's identity can be verified from the
21 proof presented, the voter shall be accepted for voting.

22 (f) After determining whether to accept a voter, an election
23 officer shall return the voter's documentation [~~registration~~
24 ~~certificate~~] to the voter.

25 (g) If the requirements for identification prescribed by
26 Subsection (b)(1) or (2) are not met, the voter shall be accepted
27 for provisional voting only under Section 63.011.

H.B. No. 101

1 SECTION 4. Chapter 63, Election Code, is amended by adding
2 Section 63.0012 to read as follows:

3 Sec. 63.0012. USE OF ADDRESS ON IDENTIFICATION. (a) This
4 section applies only to a voter who:

5 (1) presents a registration certificate;
6 (2) is on the list of registered voters for the
7 precinct; and
8 (3) confirms that the address on the list of
9 registered voters is current under Section 63.0011.

10 (b) In verifying the identity of a voter described by
11 Subsection (a) under Section 63.001, an election officer may not
12 consider whether the voter's address on a form described by Section
13 63.001(b)(1) or (2) matches the voter's address on the registration
14 certificate or the list of registered voters.

15 SECTION 5. Section 63.006(a), Election Code, is amended to
16 read as follows:

17 (a) A voter who, when offering to vote, presents a voter
18 registration certificate indicating that the voter is currently
19 registered in the precinct in which the voter is offering to vote,
20 but whose name is not on the precinct list of registered voters,
21 shall be accepted for voting if the voter's identity can be verified
22 from the proof presented.

23 SECTION 6. Section 63.007(a), Election Code, is amended to
24 read as follows:

25 (a) A voter who, when offering to vote, presents a voter
26 registration certificate indicating that the voter is currently
27 registered in a different precinct from the one in which the voter

H.B. No. 101

1 is offering to vote, and whose name is not on the precinct list of
2 registered voters, shall be accepted for voting if the voter's
3 identity can be verified from the proof presented and the voter
4 executes an affidavit stating that the voter:

5 (1) is a resident of the precinct in which the voter is
6 offering to vote or is otherwise entitled by law to vote in that
7 precinct;

8 (2) was a resident of the precinct in which the voter
9 is offering to vote at the time that information on the voter's
10 residence address was last provided to the voter registrar;

11 (3) did not deliberately provide false information to
12 secure registration in a precinct in which the voter does not
13 reside; and

14 (4) is voting only once in the election.

15 SECTION 7. Section 63.008(a), Election Code, is amended to
16 read as follows:

17 (a) A voter who does not present a voter registration
18 certificate when offering to vote, but whose name is on the list of
19 registered voters for the precinct in which the voter is offering to
20 vote, shall be accepted for voting if the voter executes an
21 affidavit stating that the voter does not have the voter's voter
22 registration certificate in the voter's possession at the polling
23 place at the time of offering to vote and the voter's identity can
24 be verified from the proof presented [voter presents proof of
25 identification in a form described by Section 63.0101].

26 SECTION 8. Section 63.0101, Election Code, is amended to
27 read as follows:

H.B. No. 101

1 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

2 (a) The following documentation is an acceptable form [~~as proof~~] of
3 photo identification under this chapter:

4 (1) a driver's license or personal identification card
5 issued to the person by the Department of Public Safety or the
6 equivalent agency of another state that has not expired or that
7 expired no earlier than two years before the date of presentation
8 [~~or a similar document issued to the person by an agency of another~~
9 ~~state, regardless of whether the license or card has expired~~];

10 (2) a United States military identification card that
11 contains the person's photograph [~~form of identification~~
12 ~~containing the person's photograph that establishes the person's~~
13 ~~identity~~];

14 (3) a valid employee identification card that contains
15 the person's photograph and is issued by an employer of the person
16 in the ordinary course of the employer's business [~~birth~~
17 ~~certificate or other document confirming birth that is admissible~~
18 ~~in a court of law and establishes the person's identity~~];

19 (4) a United States citizenship certificate [~~papers~~]
20 issued to the person that contains the person's photograph;

21 (5) a United States passport issued to the person;

22 (6) a student identification card issued by a public
23 or private institution of higher education that contains the
24 person's photograph [~~official mail addressed to the person by name~~
25 ~~from a governmental entity~~];

26 (7) a license to carry a concealed handgun issued to
27 the person by the Department of Public Safety;

H.B. No. 101

1 (8) an identification card issued by a state agency of
2 this state that contains the person's photograph; or
3 (9) an identification card that contains the person's
4 photograph and is issued by a county elections administrator or a
5 county clerk.

6 (b) The following documentation is acceptable as proof of
7 identification under this chapter:

8 (1) a copy of a current utility bill, bank statement,
9 government check, paycheck, or other government document that shows
10 the name and address of the voter;

11 (2) official mail addressed to the person by name from
12 a governmental entity;

13 (3) a certified copy of a birth certificate or other
14 document confirming birth that is admissible in a court of law and
15 establishes the person's identity;

16 (4) United States citizenship papers issued to the
17 person;

18 (5) an original or certified copy of the person's
19 marriage license or divorce decree;

20 (6) court records of the person's adoption, name
21 change, or sex change;

22 (7) an identification card issued to the person by a
23 governmental entity of this state or the United States for the
24 purpose of obtaining public benefits, including veteran's
25 benefits, Medicaid, or Medicare;

26 (8) a temporary driving permit issued to the person by
27 the Department of Public Safety;

H.B. No. 101

1 (9) a pilot's license issued to the person by the
2 Federal Aviation Administration or another authorized agency of the
3 United States;

4 (10) a library card that contains the person's name
5 issued to the person by a public library located in this state; or

6 (11) a hunting or fishing license issued to a person by
7 the Parks and Wildlife Department [or]

8 [~~(8)~~ any other form of identification prescribed by
9 the secretary of state].

10 (c) The commissioners court of a county may authorize the
11 county elections administrator or the county clerk, as applicable,
12 to issue photo identification cards that may be used as proof of a
13 voter's identification under Subsection (a).

14 SECTION 9. Sections 63.011(a) and (b), Election Code, are
15 amended to read as follows:

16 (a) A person to whom Section 63.001(g), 63.008(b), or
17 63.009(a) applies may cast a provisional ballot if the person
18 executes an affidavit stating that the person:

19 (1) is a registered voter in the precinct in which the
20 person seeks to vote; and

21 (2) is eligible to vote in the election.

22 (b) A form for the affidavit shall be printed on an envelope
23 in which the provisional ballot voted by the person may be placed
24 and must include a space for entering the identification number of
25 the provisional ballot voted by the person and a space for an
26 election officer to indicate whether the person presented proof of
27 identification as required by Section 63.001(b)(1) or (2). The

H.B. No. 101

1 affidavit form may include space for disclosure of any necessary
2 information to enable the person to register to vote under Chapter
3 13. The secretary of state shall prescribe the form of the
4 affidavit under this section.

5 SECTION 10. Section 65.054(b), Election Code, is amended to
6 read as follows:

7 (b) A provisional ballot may be accepted only if:
8 (1) the board determines that, from the information in
9 the affidavit or contained in public records, the person is
10 eligible to vote in the election; and
11 (2) the voter presents proof of identification as
12 required by Section 63.001(b)(1) or (2):

13 (A) at the time the ballot was cast; or
14 (B) in the period prescribed under Section
15 65.0541.

16 SECTION 11. Subchapter B, Chapter 65, Election Code, is
17 amended by adding Section 65.0541 to read as follows:

18 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
19 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
20 voting under Section 63.011 because the voter does not present
21 proof of identification as required by Section 63.001(b)(1) or (2)
22 may submit proof of identification to the voter registrar by
23 personal delivery or by mail for examination by the early voting
24 ballot board not later than the fifth day after the date of the
25 election.

26 (b) The early voting ballot board shall accept a provisional
27 ballot under Section 65.054 if the voter:

H.B. No. 101

1 (1) presents proof of identification in the manner
2 required by this section; and

3 (2) is otherwise eligible to vote in the election.

4 (c) The office of the voter registrar shall be open on a
5 Saturday that falls within the five-day period described by
6 Subsection (a) for a voter to present identification as provided
7 under this section.

8 (d) The secretary of state shall prescribe procedures as
9 necessary to implement this section.

10 SECTION 12. Section 521.422, Transportation Code, is
11 amended by amending Subsection (a) and adding Subsection (d) to
12 read as follows:

13 (a) Except as provided by Subsection (d), the [The] fee for
14 a personal identification certificate is:

15 (1) \$15 for a person under 60 years of age;

16 (2) \$5 for a person 60 years of age or older; and

17 (3) \$20 for a person subject to the registration
18 requirements under Chapter 62, Code of Criminal Procedure.

19 (d) The department may not collect a fee for a personal
20 identification certificate issued to a person who executes an
21 affidavit stating that the person is financially unable to pay the
22 required fee and:

23 (1) who is a registered voter in this state and
24 presents a valid voter registration certificate; or

25 (2) who is eligible for registration under Section
26 13.001, Election Code, and submits a registration application to
27 the department.

H.B. No. 101

1 SECTION 13. The change in law made by this Act to Section
2 13.002, Election Code, applies only to an application for voter
3 registration that is submitted on or after the effective date of
4 this Act.

5 SECTION 14. This Act takes effect September 1, 2007.